

REMARKS

Claims 1-54 are subject to restriction and/or election requirement. Group II, claims 21-46, 48-51, 53 and 54, drawn to an unimaged recording element, classified in class 428, subclass 32.34 have been elected with traverse. Claims 1-20, 47, and 52 have withdrawn. Claims 1-54 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Restriction Requirement:

The Examiner has required restriction to one of the following inventions. Group I, claims 1-20, drawn to particles, classified in class 428, subclass 327, Group II, claims 21-46, 48-51, 53 and 54, drawn to an unimaged recording element, classified in class 428, subclass 32.34, Group III, Claim 47, drawn to an imaged recording element, classified in class 428, subclass 195.1 and Group IV, Claim 52, drawn to a printing process, classified in class 347, subclass 105, indicating that the inventions are distinct, each from the other because of the following reasons:

Inventions of Groups I and II and of Group IV are related as product and process of use and, in the instant case the products can be used in a materially difference process such as a process of writing with an ink pen using a pigment based ink.

Inventions of Group III and of Group IV are related as process of making and product made and, in the instant case the product can be made by a materially different process such as by writing with an ink pen containing an absorbed copper phthalocyanine dye.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, The Examiner has required restriction for examination purposes as indicated is proper. The Applicants elect Group II, claims 21-46, 48-51, 53 and 54, drawn to an unimaged recording element, classified in class 428, subclass 32.34 with traverse.

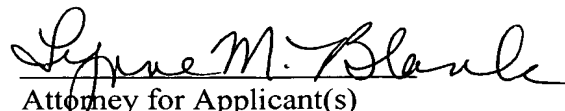
As stated by the Examiner, Group I, claims 1-20, drawn to particles, classified in class 428, subclass 327, Group II, claims 21-46, 48-51, 53 and 54, drawn to an unimaged recording element, classified in class 428, subclass 32.34, Group III, Claim 47, drawn to an imaged recording element, classified in

class 428, subclass 195.1 and Group IV, Claim 52, drawn to a printing process, classified in class 347, subclass 105. However, all five independent claims claim porous polyester particles comprising porous polyester particles having a mean diameter of less than 0.5 micrometers. Therefore, it is suggested that commonality exists among the four Groups identified by the Examiner with respect to the particles, inkjet elements containing the particles and a method of using the Porous polyester particles comprising porous polyester particles containing element. Coextensive searching of the Groups would not prove seriously burdensome to the Examiner, but would instead be most efficient. Therefore, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn and that all claims now pending be examined.

The Examiner indicates that, if Group II is elected, an election of species is also required between: 1) single recording layers (claims 21-38 and 48-51) and multiple recording layers (claims 39-46, 53 and 54) and 2) the medium having a A) PVA polymeric binder (claim 25), B) sulfonated polyester polymeric binder (claim 26), C) gelatin polymeric binder (claim 27), and D) polyurethane polymeric binder (claim 28). The Applicants elect 1) single layer recording element claims 21-38 and 48-51 and a medium having A) a PVA polymeric binder (claim-25).

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,


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